

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:30 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(April 23, 1987)

S.C.R. 94

(April 25, 1987)

S.B. 39 (Effective immediately)

S.B. 335 (Effective immediately)

Sent to Governor
(April 28, 1987)

S.C.R. 45

S.C.R. 97

S.B. 82

S.B. 83

S.B. 151

S.B. 266

S.B. 280

S.B. 312

S.B. 326

S.B. 469

S.B. 507

S.B. 591

S.B. 701

S.B. 739

FORTY-NINTH DAY

(Wednesday, April 29, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Barrientos, Sims.

A quorum was announced present.

The Reverend Laura Mendenhall, Associate Pastor, Central Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, we acknowledge You as creator and ruler of the universe, as creator and ruler of each one of us. We know You have a gracious plan for us and for all people—a plan which includes a full and an abundant life. As this Senate seeks to organize, regulate and plan for the people of this State, we ask that You give

to them Your vision and Your wisdom. Help them to recognize the awesomeness of their task as being ultimately responsible to You. Help them to enact policy which will embody the highest attainment of Your good will for all people. Help those in the courts and the offices who interpret their legislation to use the highest attainment of justice and mercy in dealing with those who will be affected. Use this Senate, O God, to bring Your vision of life to the people of this State and through us to others. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Leedom.

Senator Barrientos was granted leave of absence for today on account of important business on motion of Senator Washington.

REPORTS OF STANDING COMMITTEES

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 1179

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1339

S.B. 1312

C.S.S.B. 135

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1421

C.S.S.B. 1431

Senator Farabee submitted the following report for the Committee on State Affairs:

C.S.S.B. 646

Senator Jones submitted the following report for the Committee on Finance:

S.B. 995 (Amended)

C.S.H.B. 555

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1417

H.B. 597

S.B. 1413

H.B. 142

H.B. 850

H.B. 426

H.B. 526

C.S.S.B. 1409

C.S.S.B. 1109

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 1140
C.S.S.B. 993

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS COMMISSION FOR THE DEAF: J. Scott Hutchison, Dallas County.

To be a Member of the TEXAS OPTOMETRY BOARD: Dr. Clinton M. De Wolfe, Harris County.

To be Members of the COMMISSION ON JAIL STANDARDS: Rolando V. del Carmen, Walker County; Judge Roy English, Tarrant County.

To be Members of the BOARD OF PARDONS AND PAROLES: Henry B. Keene, Dallas County; Chris A. Mealy, Williamson County.

To be a Member of the TEXAS GUARANTEED STUDENT LOAN CORPORATION: Will Ford Hartnett, Dallas County.

To be Members of the BOARD OF DIRECTORS, ANGELINA AND NECHES RIVER AUTHORITY: William Steve Lilly, Nacogdoches County; George F. Middlebrook III, Nacogdoches County; Walter R. Volz, Cherokee County.

To be Members of the BOARD OF DIRECTORS, UPPER COLORADO RIVER AUTHORITY: Douglas James Rogers, Tom Green County; William J. Cervenka, Runnels County.

To be a Member of the BATTLESHIP TEXAS ADVISORY BOARD: Robert Leonard Waldrop, Harris County.

To be a Member of the BOARD OF REGENTS, THE TEXAS STATE UNIVERSITY SYSTEM: W. C. Perry, McLennan County.

MESSAGE FROM THE HOUSE

House Chamber
April 29, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 400, Relating to the creation, administration, powers, duties, operations, and financing of jail districts; providing a penalty.

H.B. 1874, Relating to the financing of the renovation of the State Capitol through bonds issued by the Texas Public Building Authority; providing an appropriation.

H.B. 806, Relating to the terms of members of the Council on Child Abuse and Neglect Prevention and to the administration of the children's trust fund.

S.B. 1465 by Tejeda Intergovernmental Relations
Relating to the salaries of certain county court at law judges.

S.B. 1466 by Washington Criminal Justice
Relating to the appointment of hearing officers for criminal and mental health cases in certain courts.

S.B. 1467 by Harris Economic Development
Relating to the civil liability of an owner, lessee, or occupant of real property.

S.B. 1468 by Parker Finance
Relating to ad valorem tax relief for certain off-shore drilling equipment that is not in use.

S.C.R. 109 by Harris Jurisprudence
Granting Kasler Corporation permission to sue the State of Texas and the Texas Turnpike Authority.

S.J.R. 57 by Parker Finance
Proposing a constitutional amendment to authorize the legislature to provide ad valorem tax relief for certain off-shore drilling equipment that is not in use.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.B. 58**, To Committee on State Affairs.
- H.B. 570**, To Committee on Intergovernmental Relations.
- H.B. 593**, To Committee on Jurisprudence.
- H.B. 855**, To Committee on Economic Development.
- H.B. 1018**, To Committee on Economic Development.
- H.B. 1030**, To Committee on Education.
- H.B. 1083**, To Committee on Health and Human Services.
- H.B. 1110**, To Committee on Jurisprudence.
- H.B. 1314**, To Committee on Criminal Justice.
- H.B. 1758**, To Committee on Education.
- H.J.R. 18**, To Committee on State Affairs.
- H.C.R. 93**, To Committee on Natural Resources.

SENATE RESOLUTION 463

Senator Brown offered the following resolution:

WHEREAS, The economic future and well-being of the State of Texas lies with the ability, education, and initiative of its young people; and

WHEREAS, It is these individuals who will be in large part responsible for transforming Texas into a technologically oriented society; and

WHEREAS, The Texas Society of Professional Engineers, through the MATHCOUNTS program, is striving to prepare these students for the challenges ahead; and

WHEREAS, MATHCOUNTS is a national program designed to encourage seventh and eighth grade students to enhance their math skills and to reward these "mathletes" for their superior skill and efforts; and

WHEREAS, Nationally recognized by the President of the United States, the Vice President, and members of Congress, as well as by the Secretary of Education, the National Council of Teachers of Mathematics, and the National Science Foundation, the program receives financial and administrative support from the National Society of Professional Engineers, CNA Insurance Companies, NASA, and others; and

WHEREAS, The Texas program is privileged to have as its Honorary Chairman the Governor of Texas, the Honorable William P. Clements, Jr., and is recognized by the Texas State Board of Education; and

WHEREAS, Texas MATHCOUNTS derives its financial support from the generosity of such corporate leaders as AT&T; Atlantic Richfield Company; Brown & Root, Inc.; Chevron U.S.A.; Dresser Industries, Inc.; The LTV Corporation; Linbeck Construction Company; Radian Corporation; Southwestern Bell Telephone; Texas Instruments, Inc.; Texas Utilities Services, Inc.; and H. B. Zachry Company; and

WHEREAS, Texas students consistently have finished in the top ten at the national competition, both individually and as a team; and

WHEREAS, This year's "Texas Team," consisting of Alex Chan of Richardson, Mike Luka of Spring, Kenny Hsu of Dallas, Vijay Pai of Houston and Coach Beryl Swanson of Houston, will travel to Washington, D.C., for the national contest on May 15 to continue this Texas tradition of excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud these students and their peers for their contribution to the future of Texas and send with the "Texas Team" its best wishes for their continued success in the areas of mathematics, science, and technology; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of the Texas team as an expression of esteem and respect from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Brown escorted the "Texas Team" of MATHCOUNTS to the President's Rostrum.

The Senate welcomed and extended congratulations to Alex Chan, Mike Luka, Kenny Hsu, Vijay Pai and Coach Beryl Swanson.

The President presented an enrolled copy of S.R. 463 to these young people.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 29, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS:

For a term to expire January 31, 1993:

IVY T. CORLEY

One Mesa Square

Box 2009

Amarillo, Texas 79189

Mr. Corley will be replacing Mary Cree of Abilene whose term expired.

TO BE A MEMBER OF THE TEXAS SOUTHERN UNIVERSITY BOARD OF REGENTS:

For a term to expire February 1, 1993:

PERCY P. CREUZOT
6830 Mykawa Road
Houston, Texas 77033

Mr. Creuzot is being reappointed.

TO BE A MEMBER OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS:

For a term to expire September 26, 1991:

ERNEST DAVID DORCHESTER
P. O. Box 1230
Midland, Texas 79702

Mr. Dorchester will be replacing Frank B. Harrell of Dallas whose term expired.

TO BE A MEMBER OF THE STATE PENSION REVIEW BOARD:

For a term to expire January 31, 1991:

LeROY M. (LEE) HINTON
10039 Chevy Chase
Houston, Texas 77042

Mr. Hinton will be filling the unexpired term of Robert Parker of Houston who resigned.

TO BE A MEMBER OF THE BATTLESHIP TEXAS ADVISORY BOARD:

For a term to expire February 1, 1993:

ROBERT D. MILLER
3400 Texas Commerce Tower
Houston, Texas 77002

Mr. Miller will be replacing Steven Lunsford of Galveston whose term expired.

TO BE JUDGE OF THE 101ST JUDICIAL DISTRICT, DALLAS COUNTY UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JOSEPH B. MORRIS
3434 Thanksgiving Tower
Dallas, Texas 75201

Mr. Morris will be replacing Craig T. Enoch who was elevated to the position of Chief Justice of the Fifth Court of Appeals.

TO BE A MEMBER OF THE FAMILY FARM AND RANCH ADVISORY COUNCIL:

For a term to expire January 31, 1993:

CHRIS ALLEN MOSER
Route 4, Box 127
DeKalb, Texas 75559

Mr. Moser is replacing Eristus Sams of Waller whose term expired.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS:

For a term to expire February 1, 1993:

BRIAN C. RICHARDS
P. O. Box 680
Ballinger, Texas 76821

Mr. Richards is being reappointed.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION:

For a term to expire January 31, 1993:

J. MALON SOUTHERLAND
1102 Deacon Drive
College Station, Texas 77840

Dr. Southerland will be replacing Shirley M. Binder of Austin whose term expired.

TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD:

For a term to expire September 1, 1991:

DICK WHITTINGTON
Route 1, Box 163F
Lockhart, Texas 78644

Mr. Whittington will be replacing Vittorio K. Argento of Arlington whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE RESOLUTION 482

Senator Blake offered the following resolution:

WHEREAS, The Texas Capitol and its grounds are a source of great pride and inspiration for all Texans; and

WHEREAS, Our proud heritage and traditions are symbolized in their lasting beauty and grandeur; and

WHEREAS, Many Texans have expressed their heartfelt support and cooperation in the restoration efforts of the Capitol Committee, Inc., which will continue to serve as a reminder of our rich history; and

WHEREAS, Maryland Club Coffee, the largest coffee brand headquartered in the State, has been a major contributor to the economic growth and prosperity of our beloved State since Houstonian Herschel Duncan first began roasting coffee in 1918; and

WHEREAS, Assuming a decisive leadership role in the restoration efforts, Maryland Club has assured the continuing charm and loveliness of the Capitol and its grounds; and

WHEREAS, Due in large measure to the munificent gift of Maryland Club Coffee, the refurbished Goddess of Liberty continues to defend our cherished freedoms atop the Capitol dome; and

WHEREAS, Since the early 1900s, the Capitol rose garden has been a haven of peace and tranquility for harried Austinites; working closely with the Capitol Committee, Maryland Club Coffee helped bring to fruition new rose gardens that feature rose varieties prevalent at the turn of the century; and

WHEREAS, The Texas Senate is proud to welcome George Sullivan of Maryland Club Coffee and Grady Tiller of Coca-Cola Foods Coffee Division to the Texas Capitol for the official dedication of the rose garden on April 29, 1987; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend Maryland Club Coffee for its outstanding efforts on behalf of the Capitol restoration project; and, be it further

RESOLVED, That a copy of this resolution be prepared for Maryland Club Coffee as an expression of highest esteem and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Blake introduced Mr. George Sullivan of Maryland Club Coffee and Mr. Grady Tiller of Coca-Cola Foods Coffee Division to the Members of the Senate.

These guests were welcomed by the Senate.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 20

S.B. 80

S.B. 355

S.B. 431

S.B. 630

(Senator Sarpalius in Chair)

BILL SIGNED

The Presiding Officer (Senator Sarpalius in Chair) announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 521

(President in Chair)

GUEST PRESENTED

Senator Zaffirini was recognized and introduced the Capitol Physician for the Day, Dr. Stanley M. Woodward of New Braunfels.

Dr. Woodward, serving for his seventh session, was welcomed by the Senate and received an expression of appreciation for his service.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**COMMITTEE SUBSTITUTE SENATE BILL 1163
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1163, Relating to services for chronically ill and disabled children.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1163
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1163** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

SENATE BILL 853 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 853, Relating to recovery of certain expenses incurred by the Texas Animal Health Commission.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 853 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 853** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1255 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1255, Relating to emergency shelter and care for minor mothers who are the sole financial support for their natural children.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1255 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

(President Pro Tempore Parker in Chair)

SENATE BILL 494 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 494, Relating to the assessments for the Texas Catastrophe Property Insurance Association.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 494 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 494** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

SENATE BILL 1252 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1252, Relating to the right of landowners to lease adjacent state-owned riparian land on the Canadian River in Hutchinson and Roberts counties and providing for hunting thereon and its regulation by the Parks and Wildlife Department, and amending Chapter 31, Natural Resources Code.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 1252 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1252** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1, Present-not voting, 1.

Nays: Washington.

Present-not voting: Montford.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as voting "Present-not voting" on the final passage of the bill.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 462
ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 462, Relating to the powers and duties of a health facilities development corporation.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 462
ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 462 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 656
ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 656, Relating to health, social, educational, and genetic history reports in suits affecting the parent-child relationship in which an adoption is sought.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 656
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 656 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 448
ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 448, Relating to suits for enforcement by local governments of certain prohibitions against unauthorized discharges.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 448
ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 448 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

SENATE BILL 953 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

S.B. 953. Relating to certain communications of members and employees of the public utility commission.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Armbrister, Blake, Brooks, Brown, Farabee, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sarpalius, Uribe.

Nays: Caperton, Edwards, Green, Parmer, Tejeda, Truan, Whitmire, Zaffirini.

Absent: Anderson, Washington.

Absent-excused: Barrientos, Sims.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1360 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1360. Relating to rules requiring the use of Stage II vapor recovery systems at gasoline dispensing facilities in this state.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1360 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

**COMMITTEE SUBSTITUTE SENATE BILL 1277
ON SECOND READING**

Senator Edwards moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1277, Relating to the punishment of corporations or associations convicted of a criminal offense; amending Section 12.51 of the Texas Penal Code.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1277
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1277** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 878
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

C.S.H.B. 878, Relating to compensation for certain victims of crime.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 878
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 878** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed viva voce vote.

SENATE BILL 687 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 687, Relating to the administration and management of certain courts, the assignment of judges to certain courts and administrative judicial regions, and to certain duties of the attorney general.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 687** by striking all below the enacting clause and substituting the following:

ARTICLE I. COURT ADMINISTRATION ACT

SECTION 1.01. Section 2.005, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.005. EDUCATION PROGRAMS. The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available on an equitable basis for judges and court personnel of all courts created under the constitution and laws of this state.

SECTION 1.02. Section 4.003(c), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Except as provided by Section 4.011 of this chapter, the salaries, compensation, and expenses shall be paid through the county budget process of each county in the region in proportion to the population of the counties comprising the region [county] according to the latest official federal census and on certificates of approval of the presiding judge.

SECTION 1.03. Sections 4.010(c) and (d), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) ~~keep a record of the proceedings of the administrative region and a complete record of the cases pending in the courts of the administrative region, including the time of their filing, the style and purposes of the causes, and their final disposition;~~

~~[(4)]~~ under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

(4) ~~[(5)]~~ attend to other matters that are prescribed by the council of judges.

(d) An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the [council of judges. The cost shall be divided pro-rata among the counties and paid by the counties on the certificate of the] presiding judge.

SECTION 1.04. Sections 4.011(b) and (d), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Except as provided by Subsection (c) of this section, a presiding judge shall receive a salary not to exceed \$7,500 ~~[\$5,000]~~ a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part-time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned ~~[according to the number of district courts and statutory county courts in each judicial district comprising the administrative region, and the amount apportioned]~~ to each county in the region ~~[judicial district shall be apportioned]~~ according to the population of the counties comprising the region as determined by the most recent ~~[latest]~~ federal decennial census and shall be paid through the county budget process.

(d) The council of judges shall set the salaries under Subsection (c) of this section at least biennially by majority vote. The salary shall be apportioned to each county in the region according to the population of the counties comprising the region as determined by the most recent federal decennial census ~~number of district courts and statutory county courts in each judicial district comprising the administrative region, and that amount shall be apportioned to the counties comprising the judicial district according to the number of such courts in each county~~.

SECTION 1.05. Section 4.013(b), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) If a party to a civil case files a timely objection to the assignment, the judge is disqualified to hear the case. Each party to the case is only entitled to one objection under this subsection for that case.

SECTION 1.06. Section 4.014, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.014. JUDGES SUBJECT TO ASSIGNMENT. The following judges may be assigned as provided by this chapter by the presiding judge of the administrative region in which the assigned judge resides:

- (1) a regular district or statutory county court ~~at law~~ judge in this state;
- (2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, who has consented to be subject to assignment and who is on the list maintained by the presiding judge under [as required by] this chapter [section]; and
- (3) a former district judge or retired or former statutory county court judge who certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes, and who is on the list maintained by the presiding judge as required by this chapter ~~[section]~~.

SECTION 1.07. Section 4.015, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.015. LIST OF RETIRED AND FORMER ~~[DISTRICT]~~ JUDGES SUBJECT TO ASSIGNMENT. (a) Each presiding judge shall maintain a list of retired and former district and statutory county court judges who meet the requirements of this section.

(b) The presiding judge shall divide the list into area specialties of criminal, civil, or domestic relations cases. A retired or former judge may only be assigned to a case in the judge's area of specialty. A judge may qualify for assignment in more than one area of specialty.

(c) To be eligible to be named on the list, a retired or former ~~[district]~~ judge must:

- (1) have served as a judge for at least four years in a district, statutory, or appellate court;
- (2) have developed substantial experience in his area of specialty;
- (3) not have been removed from office or resigned while under investigation for discipline or removal; ~~[and]~~
- (4) annually demonstrate that he has completed in the past calendar year the educational requirements for active district and statutory county court judges; and [at least five days of continuing legal education in courses approved by the state bar or the supreme court]

(5) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years following the date of the election to serve.

SECTION 1.08. Section 4.016, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and by adding Subsection (c) to read as follows:

(a) ~~A [Under rules prescribed by the council of judges, a] presiding judge from time to time shall assign the judges of the administrative region to hold special or regular terms of court in any county of the administrative region to try cases and dispose of accumulated business. [The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the judges of the administrative region and with or without an additional meeting of the judges.]~~

(c) The presiding judge of an administrative region may appoint a judge in the region to serve as acting presiding judge in the absence of the presiding judge. An acting presiding judge has all the rights, duties, and powers of the presiding judge.

SECTION 1.09. Sections 4.019(a) and (c), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A judge assigned under the provisions of this chapter has all the powers of the [a district] judge of the court to which he is assigned.

(c) A district or statutory county court judge shall:

(1) diligently discharge the administrative responsibilities of the office;
 (2) rule on a case within 90 days after the case is taken under advisement;
 (3) request the presiding judge to assign another judge ~~[of the administrative region]~~ to hear a motion relating to the recusal of the judge from a case pending in his court; and

(4) if an election contest or suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge ~~[of the administrative region]~~ who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION 1.10. Section 4.021(b), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) While serving in a county outside his judicial district or county, a [an active] judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f) of this section, and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the administrative region in which the court to which the judge is assigned is located.

SECTION 1.11. Section 4.022, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.022. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, or an educational course required by law, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting or course and his actual expenses while attending the meeting or course.

SECTION 1.12. Sections 5.004(a) and (c), Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active, former, or retired judge assigned to a court having ~~[any district court]~~ jurisdiction as provided by Chapter 4 of this Act or Subtitle E, Title 110B, Revised Statutes.

(c) The [district] clerk shall file, docket, transfer, and assign the cases as directed by the local administrative judge in accordance with the local rules.

SECTION 1.13. The Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes) is amended by adding Section 8.001 to read as follows:

Sec. 8.001. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, or an active, retired, or former judge assigned under this Act in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.

SECTION 1.14. Section 1, Chapter 275, Acts of the 64th Legislature, Regular Session, 1975 (Article 4412b, Vernon's Texas Civil Statutes), is amended to read as follows:

~~Sec. 1. [(a) The Attorney General of Texas is responsible for defending a state district judge or a presiding judge of an administrative region in any action or suit in the federal courts in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.~~

~~[(b)] The attorney general is responsible for defending a state grand jury commissioner or a state grand juror in an action or suit in any court [the federal courts] in which the commissioner or the juror is a defendant if:~~

~~(1) the suit involves an act of the defendant while in the performance of his duties as a grand jury commissioner or a grand juror; and~~

~~(2) the commissioner or the juror requests the attorney general's assistance in the defense of the suit.~~

SECTION 1.15. Sections 4.008(d), 4.012(b), and 5.005, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are repealed.

ARTICLE II. CONFORMING AMENDMENTS TO JUDICIAL TITLE, GOVERNMENT CODE

SECTION 2.01. Effective September 1, 1987, Section 74.003, Government Code, is renumbered and amended to read as follows:

~~Sec. 74.043 [74.003]. FACILITIES; FUNDING. (a) Adequate quarters for the operation of each administrative region [district] and the preservation of its records shall be provided in the courthouse of the county in which the presiding judge resides.~~

~~(b) Except for the salaries, compensation, and expenses provided by state appropriations, the counties composing the administrative region [district] shall pay, out of the general funds of the counties, the salaries, compensation, and expenses authorized and incurred to administer this chapter, including expenses for the purchase of professional liability insurance policies for regional presiding judges.~~

~~(c) Except as provided by Section 74.051 [74.018], the salaries, compensation, and expenses shall be paid through the county budget process of each county in the region in proportion to the population of the counties comprising the region [number of weeks provided by law for holding district court in the respective counties] and on certificates of approval of the presiding judge [judges].~~

SECTION 2.02. Effective September 1, 1987, Section 74.017, Government Code, is renumbered and amended to read as follows:

~~Sec. 74.050 [74.017]. ADMINISTRATIVE ASSISTANT. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant.~~

~~(b) An administrative assistant must have the qualifications established by rule of the supreme court.~~

~~(c) An administrative assistant shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:~~

~~(1) perform the duties that are required by the presiding judge and by the rules of administration;~~

(2) conduct correspondence for the presiding judge;
 (3) ~~keep a record of the proceedings of the administrative district and a complete record of the cases pending in the courts of the administrative district, including the time of their filing, the style and purposes of the causes, and their final disposition;~~

~~[(4)]~~ under the direction of the presiding judge, make an annual report of the activities of the administrative region ~~[district]~~ and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

~~(4) [(5)]~~ attend to other matters that are prescribed by the council of judges.

(d) An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the ~~[council of judges. The cost shall be divided pro rata among the counties and paid by the counties on the certificate of the]~~ presiding judge.

(e) An administrative assistant is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

SECTION 2.03. Effective September 1, 1987, Section 74.018, Government Code, is renumbered and amended to read as follows:

Sec. 74.051 ~~[74.018]~~. COMPENSATION. (a) In addition to all other compensation, expenses, and perquisites authorized by law, including this chapter, a presiding judge shall receive compensation as provided by this section for performing the duties of a presiding judge.

(b) Except as provided by Subsection (c), a presiding judge shall receive a salary not to exceed \$7,500 ~~[\$5,000]~~ a year. The Texas Judicial Council shall set the salary biennially and, in arriving at the amount of the salary, shall consider whether the presiding judge is active in administrative duties, performs part time, or is a retired judge. The salary set by the Texas Judicial Council shall be apportioned ~~[according to the population of each judicial district comprising the administrative district, and the amount apportioned]~~ to each county in the region ~~[judicial district]~~ ~~shall be apportioned to each county comprising the judicial district]~~ according to the population of the counties comprising the region and shall be paid through the county budget process ~~[county]~~.

(c) A presiding judge who is a retired district or appellate judge and presides over an administrative region ~~[district]~~ with 40 or more district courts or statutory county courts is entitled to an annual salary of not less than \$5,000 a year nor ~~[or]~~ more than the following amount, according to the number of those ~~[district]~~ courts in the administrative region ~~[district]~~:

Number of Courts	Salary Limit
40 to 59	\$15,000
60 to 79	\$25,000
80 or more	\$30,000

(d) The council of judges shall set the salaries under Subsection (c) at least biennially by majority vote. The salary shall be apportioned to each county in the region according to the population of the counties comprising the region ~~[assessed property valuation of each judicial district comprising the administrative district, and that amount shall be apportioned to the counties comprising the judicial district according to the assessed property valuation of each county].~~

(e) Each county comprising the administrative region ~~[district]~~ shall pay annually to the presiding judge, out of the officers' salary fund or the general fund of the county, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this chapter that are not paid by state

appropriations. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses shall be paid. The salary shall be paid from the administrative fund in 12 equal monthly payments.

SECTION 2.04. Effective September 1, 1987, Section 74.032, Government Code, is renumbered and amended to read as follows:

Sec. 74.054 [74.032]. JUDGES SUBJECT TO ASSIGNMENT. The following judges may be assigned as provided by this chapter by the presiding judge of the administrative region [district] in which the assigned judge resides:

- (1) a regular district or statutory county court judge in this state;
- (2) a district judge who is a retiree under Subtitle E, Title 110B, Revised Statutes, and who has consented to be subject to assignment and who is on the list maintained by the presiding judge under this chapter; and
- (3) a former district judge or retired or former statutory county court judge who:

[(A) is not more than 70 years of age;

[(B) was elected at a general election or appointed by the governor, and has not been defeated for reelection or removed from office by impeachment, the supreme court, the governor on address of the legislature, the State Commission on Judicial Conduct, or the abolishment of the judge's court by the legislature; and

[(C) certifies to the presiding judge a willingness to serve and to comply with the prohibitions relating to the practice of law imposed on a retired judge by Section 44.005, Title 110B, Revised Statutes, and who is on the list maintained by the presiding judge as required by this chapter.

SECTION 2.05. Effective September 1, 1987, Section 74.033, Government Code, is renumbered and amended to read as follows:

Sec. 74.056 [74.033]. ASSIGNMENT BY PRESIDING JUDGE. (a) A [Under rules prescribed by the council of judges, a] presiding judge from time to time shall assign the judges of the administrative region [district] to hold special or regular terms of court in any county of the administrative region [district] to try cases and dispose of accumulated business. [The assignment may be made during or after the consultation concerning the state of the business of the courts at a meeting of the district judges of the administrative district and with or without an additional meeting of the judges.]

(b) The presiding judge of one administrative region [district] may request the presiding judge of another administrative region [district] to furnish judges to aid in the disposition of litigation pending in a county [judicial district] in the administrative region [district] of the presiding judge who makes the request.

(c) The presiding judge of an administrative region may appoint a judge in the region to serve as acting presiding judge in the absence of the presiding judge. An acting presiding judge has all the rights, duties, and powers of the presiding judge.

SECTION 2.06. Effective September 1, 1987, Section 74.036, Government Code, is renumbered and amended to read as follows:

Sec. 74.059 [74.036]. POWERS AND DUTIES. (a) A judge assigned under the provisions of this chapter has all the powers of the [a district] judge of the court to which he is assigned.

(b) A [district] judge shall extend the regular terms of the court, or call the special terms, that are necessary to carry out the purposes of this chapter and to dispose of pending litigation. If a term is extended, the other terms of the court may be opened and held as usual, and a term of court in that district does not fail because of the extension. By entering an order on the minutes of the court, the judge of a district court or statutory county court or a judge assigned [to a district] by the

presiding judge may convene a special term of the court for the trial of cases, the entry of orders, and the disposition of the business before the court.

(c) A district or statutory county court judge shall:

(1) diligently discharge the administrative responsibilities of the office;

(2) rule on a case within 90 days ~~[three months]~~ after the case is taken under advisement;

(3) request the presiding judge to assign another judge ~~[of the administrative district]~~ to hear a motion relating to the recusal of the ~~[district]~~ judge from a case pending in his court; and

(4) if an election contest or a suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge ~~[of the administrative district]~~ who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION 2.07. Effective September 1, 1987, Section 74.037, Government Code, is renumbered and amended to read as follows:

Sec. 74.061 ~~[74.037]~~. COMPENSATION WHILE ASSIGNED. (a) The salary, compensation, and expenses of a judge while assigned under this chapter shall be paid in accordance with this chapter and other law of this state.

(b) While serving in a county outside his judicial district or county, a ~~[an active district]~~ judge is entitled to receive, in addition to his necessary expenses, additional compensation from the county to which he is assigned in an amount not to exceed the difference between the compensation of the assigned judge from all sources, exclusive of the per diem provided by Subsection (f), and the compensation received from all sources by the judge of the court to which he is assigned. The county shall pay the compensation provided by this subsection on approval of the presiding judge of the administrative region ~~[district]~~ in which the court to which the judge is assigned is located.

(c) The salary of a retired judge while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the difference between all the retirement benefits received by the judge as a retired district judge and the compensation from all sources of the judge of the court to which he is assigned. The salary of a retired judge while assigned shall be determined pro rata for the period of time that the judge actually sits as the assigned judge.

(d) For services actually performed while assigned under this chapter, a former ~~[district]~~ judge shall receive from county funds and money appropriated by the legislature the same amount of salary, compensation, and expenses that the regular judge is entitled to receive from the county and from the state for those services. The presiding judge of the administrative region ~~[district]~~ shall certify to the county and the state the services rendered under this chapter by a former ~~[district]~~ judge and the share to be paid by the state. The amount certified by the presiding judge as the state's share shall be paid from an item in the Judicial Section—Comptroller's Department of the General Appropriations Act for the payment of salaries of district and criminal district judges.

(e) When a district or statutory county court judge is assigned under this chapter to a court outside his own district or county ~~[and out of his own counties]~~, the judge, in addition to all other compensation authorized by law, is entitled to receive his actual expenses in going to and returning from his assignment and his actual living expenses while in the performance of his duties under the assignment. The county in which the duties are performed shall pay the expenses out of the general fund of the county on accounts certified and approved by the presiding judge of the administrative region ~~[district]~~ for that county.

(f) When a district or statutory county court judge is assigned under this chapter to a court outside his own district or county ~~[and out of his own counties]~~,

the judge, in addition to all other compensation and expenses authorized by law, is entitled to receive a per diem of \$25 for each day or fraction of a day that the judge spends outside his district or county ~~[and his counties]~~ in the performance of his duties under the assignment. The state shall pay the per diem in the same manner that it pays the judge's salary on certificates of approval by the chief justice or the presiding judge of the administrative region ~~[district]~~ in which the judge resides.

SECTION 2.08. Effective September 1, 1987, Section 74.038, Government Code, is renumbered and amended to read as follows:

Sec. 74.062 ~~[74.038]~~. EXPENSES AT MEETINGS. A judge who is required to attend an annual or special meeting prescribed by this chapter, or an educational course required by law, in addition to all other compensation allowed by law, is entitled to receive his actual travel expenses going to and returning from the place of the meeting or course and his actual expenses while attending the meeting or course.

SECTION 2.09. Effective September 1, 1987, Chapter 74, Government Code, is amended by adding Sections 74.025, 74.053, 74.055, and 74.094 to read as follows:

Sec. 74.025. EDUCATION PROGRAMS. The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available on an equitable basis for judges and court personnel of all courts created under the constitution and laws of this state.

Sec. 74.053. OBJECTION TO ASSIGNED JUDGE. (a) When a judge is assigned under this chapter the presiding judge shall, if it is reasonable and practicable and if time permits, give notice of the assignment to each attorney representing a party to the case that is to be heard in whole or part by the assigned judge.

(b) If a party to a civil case files a timely objection to the assignment, the judge is disqualified to hear the case. Each party to the case is only entitled to one objection under this subsection for that case.

(c) An objection under this section must be filed before the first hearing or trial, including pretrial hearings, over which the assigned judge is to preside.

Sec. 74.055. LIST OF RETIRED AND FORMER JUDGES SUBJECT TO ASSIGNMENT. (a) Each presiding judge shall maintain a list of retired and former district and statutory county court judges who meet the requirements of this section.

(b) The presiding judge shall divide the list into area specialties of criminal, civil, or domestic relations cases. A retired or former judge may only be assigned to a case in the judge's area of specialty. A judge may qualify for assignment in more than one area of specialty.

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as a judge for at least four years in a district, statutory, or appellate court;

(2) have developed substantial experience in his area of specialty;

(3) not have been removed from office or resigned while under investigation for discipline or removal;

(4) annually demonstrate that he has completed in the past calendar year the educational requirements for active district and statutory county court judges; and

(5) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years following the date of the election to serve.

Sec. 74.094. HEARING CASES. (a) A district or statutory county court judge may hear and determine a matter pending in any district or statutory county court in the county regardless of whether the matter is preliminary or final or

whether there is a judgment in the matter. The judge may sign a judgment or order in any of the courts regardless of whether the case is transferred. The judgment, order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. The authority of this subsection applies to an active, former, or retired judge assigned to a court having jurisdiction as provided by Subchapter C of this chapter or by Subtitle E, Title 110B, Revised Statutes.

(b) The judges shall try any case and hear any proceeding as assigned by the local administrative judge.

(c) The clerk shall file, docket, transfer, and assign the cases as directed by the local administrative judge in accordance with the local rules.

(d) Judges of district courts and statutory county courts may serve as masters and magistrates of courts, other than their own, subject to other provisions of law and court rules.

SECTION 2.10. Effective September 1, 1987, Chapter 74, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. DEFENSE OF JUDGES

Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.

SECTION 2.11. Effective September 1, 1987, Section 74.015(d), Government Code, is repealed.

SECTION 2.12. Effective September 1, 1987, Sections 74.052(b) and 74.095, Government Code, as added by Senate Bill No. 895, Acts of the 70th Legislature, Regular Session, 1987, are repealed.

SECTION 2.13. Effective September 1, 1987, Sections 2.005, 4.003, 4.010, 4.011, 4.013, 4.014, 4.015, 4.016, 4.019, 4.021, 4.022, 5.004, and 8.001, Court Administration Act (Article 200a-1, Vernon's Texas Civil Statutes), are repealed.

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect immediately.

SECTION 3.02. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 687 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 687 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Barrientos, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Barrientos, Sims.

HOUSE BILL 161 REREFERRED

On motion of Senator McFarland and by unanimous consent, **H.B. 161** was withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. on Thursday, April 30, 1987, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

MOTION TO RECESS

On motion of Senator Brooks and by unanimous consent, the Senate agreed to take recess until 8:30 a.m. tomorrow. The Senate further agreed to take recess at the conclusion of tomorrow's Local Calendar Session until 11:00 a.m. tomorrow.

MEMORIAL RESOLUTION

S.R. 484 - By Montford: Memorial resolution for Marge Barnett.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 171 - (McFarland): Declaring April 29, 1987, as Corrections Day in Texas.

S.R. 481 - By Zaffirini: Extending welcome to Dr. Stanley M. Woodward, Capitol Physician for the Day.

S.R. 486 - By Krier: Declaring May 2, 1987, as Future of Higher Education in Texas Day.

RECESS

On motion of Senator Brooks, the Senate at 12:27 p.m. took recess until 8:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 29, 1987)

S.B. 20
S.B. 80
S.B. 355
S.B. 431
S.B. 521
S.B. 630